

DRUG COURT COORDINATION INTENT LANGUAGE REPORT SUMMARY

SOCIAL SERVICES APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

SUMMARY

The Office of the Utah State Auditor released [A Performance Audit of Utah's Adult Felony Drug Courts](#) on January 21, 2015. This audit was presented to the Social Services Appropriations Subcommittee. The committee and Legislature subsequently adopted intent language (S.B. 2, Item 82) requiring the Department of Workforce Services (DWS) and the Administrative Offices of the Courts (AOC) to provide a report describing: 1) a summary of efforts to improve coordination between the Drug Court program and DWS' Workforce Development Division in order to improve Drug Court success, 2) data indicating the success of the efforts including the implementation and reporting on measures of post program recidivism, and 3) any identified savings or additional funding of drug court recipients as a result of improved coordination efforts. The submitted report, titled [Drug Court Intent Language Report](#), can be found at: (<http://le.utah.gov/interim/2015/pdf/00003953.pdf>). The report poses at least three main budget policy questions for Legislators.

Questions

1. *Given that the efforts are too new to indicate performance or potential efficiencies, does the committee wish to request the three involved agencies to report performance and potential efficiencies at a future time?*
2. *Does the committee wish to suggest additional efforts regarding coordination?*
3. *Given the difficulties described regarding the collection of recidivism data, does the committee wish to explore the topic of measuring recidivism, including addressing barriers to the collection of recidivism data.*

OVERVIEW

The named agencies submitted a report on September 1, 2015 in response to 2015 General Session intent language (S.B. 2, Item 82) requiring the Department of Workforce Services (DWS) and the Administrative Offices of the Courts (AOC) to provide a report describing: 1) a summary of efforts to improve coordination between the Drug Court program and DWS' Workforce Development Division in order to improve Drug Court success, 2) data indicating the success of the efforts including the implementation and reporting on measures of post program recidivism, and 3) any identified savings or additional funding of drug court recipients as a result of improved coordination efforts. Following is a summary of those three areas:

A summary of new Drug Court coordination efforts between the Administrative Office of the Courts, the Department of Workforce Services, and the Division of Substance Abuse and Mental Health (DSAMH)

1. The named agencies in the intent language have coordinated efforts and identified the need to ensure all eligible clients are enrolled in Medicaid to ensure maximum funding by the Medicaid program.

2. “DSAMH has added the following language to the Drug Court section of the 2016 Division Directive, which incorporates the requirement into the contract language: *Drug Courts shall ensure that participants meet with the Department of Workforce Services and/or health care navigators to determine eligibility for Medicaid, other public insurance or commercial insurance.*”
3. “Compliance with this requirement will be part of DSAMH’s audit/site visit process which begins in October. This year DSAMH has plans to visit more Drug Courts than in previous years and this will be a special focus of the visits to both the LSAAs [*Local Substance Abuse Authorities*] and the Drug Courts.”
4. “DSAMH has been working with the AOC to ensure that compliance with the requirement is part of the Drug Court certification process.”
5. “A pilot partnership between DWS, SLC Criminal Justice Services, and Federal Navigators has been developed, [*but not yet implemented*], to provide direct support to participants with medical insurance coverage through Medicaid or the Federal Exchange System.”
6. DWS has developed a detailed directory by geographic area titled *Utah’s Felony Drug Courts* which includes the various coordinating parties involved in drug court cases with applicable contact information.

Outcome Measures Including Recidivism

“DSAMH is working with CCJJ [Criminal and Juvenile Justice] on JRI [Justice Reinvestment Initiative] outcome measures that will better allow the Division, the Drug Courts and the Local Substance Abuse Authorities to better track both outcomes and recidivism. In addition, the DSAMH is working with the Administrative Office of the Courts (AOC) on the development of an automated recidivism functionality within AOC’s case management system. Neither DSAMH nor the LSAA’s have access to criminal history records or the ability to track recidivism for individuals who are discharged from the public system. Completing recidivism analysis requires matching data in the Utah Criminal History Records maintained by the Utah Department of Public Safety with Drug Court Treatment Information. This process is labor intensive and expensive due to differences in the data bases and the requirements of Federal Confidentiality Regulations for Substance Use Disorder (SUD) Treatment Programs (42CFR Part 2). Many Drug Courts in Utah have hired independent evaluators to examine participant recidivism. However, this practice has proven to be expensive and out of reach for many programs.

DSAMH has contracted with the National Center for State Courts to develop Performance Measures and is working to modify electronic record systems and drug court data collection methods to provide a consistent set of statewide data measures.

DSAMH currently uses the Treatment Episode Data Set (TEDS) to collect data on criminal justice involvement from admission to discharge, but is unable to reliably track criminal justice involvement post discharge from treatment.

DSAMH does collect self-reported information on participant involvement with the criminal justice system. The Federal Substance Abuse and Mental Health Services Administration (SAMHSA) requires all

states to report the following measure: Reduction in/no change in number of arrests in past 30 days from date of first service to date of last service.”

Efficiency Savings from Coordination Efforts

Courts, DWS, and DSAMH indicate that “no savings have been measured yet as coordination efforts are newly underway.”